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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,079	12/11/2000	Gunnar Andersson	215547.01301	1940

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CHICAGO, IL 60661-3693

EXAMINER
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PATTERSON, MARC A

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/733,079	<b>Applicant(s)</b> ANDERSSON ET AL.	
	<b>Examiner</b> Marc A Patterson	<b>Art Unit</b> 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### **REPEATED REJECTIONS**

1. The 35 U.S.C. 103(a) rejection of Claims 1 – 9, 14 and 20 – 33 as being unpatentable over Heilmann et al (U.S. Patent No. 5,783,269) in view of Collette et al (U.K. Patent 2001080), of record on page 4 of the previous Action, is repeated.
2. The 35 U.S.C. 103(a) rejection of Claims 10 – 13 and 15 – 17 as being unpatentable over Heilmann et al (U.S. Patent No. 5,783,269) in view of Collette et al (U.K. Patent 2001080) and further in view of Fujii et al (European Patent No. 0838321), of record on page 11 of the previous Action, is repeated.
3. The 35 U.S.C. 103(a) rejection of Claim 34 as being unpatentable over Heilmann et al (U.S. Patent No. 5,783,269) in view of Collette et al (U.K. Patent 2001080) and further in view of Andersson et al (U.S. Patent No. 6,322,739 B1), of record on page 12 of the previous Action, is repeated.

### **ANSWERS TO APPLICANT'S ARGUMENTS**

4. Applicant's arguments regarding the 35 U.S.C. 103(a) rejection of Claims 1 – 9, 14 and 20 – 33 as being unpatentable over Heilmann et al (U.S. Patent No. 5,783,269) in view of Collette et al (U.K. Patent 2001080), 35 U.S.C. 103(a) rejection of Claims 10 – 13 and 15 – 17 as being unpatentable over Heilmann et al (U.S. Patent No. 5,783,269) in view of Collette et al (U.K. Patent 2001080) and further in view of Fujii et al (European Patent No. 0838321), and 35

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U.S.C. 103(a) rejection of Claims 10 – 13 and 15 – 17 as being unpatentable over Heilmann et al (U.S. Patent No. 5,783,269) in view of Collette et al (U.K. Patent 2001080) and further in view of Andersson et al (U.S. Patent No. 6,322,739 B1), of record in the previous Action, have been carefully considered but have not been found to be persuasive for the reasons discussed below.

#### I. Objection to the Claims

Applicant argues, on page 6 of the remarks dated March 7, 2005, that copies of DIN EN ISO 527 – 1 to 527 – 3 and DIN 58950 – 1 have been submitted, and that the phrase ‘hot water spraying process’ is readily understood by one of ordinary skill in the art. The submission of DIN EN ISO 527 – 1 to 527 – 3 and DIN 58950 – 1 is acknowledged; however, the process of measuring the yield point and the process of spraying with hot water are given little patentable weight in Claims 1 – 34, as the claims are directed to a product.

#### II. The Rejections Under 35 U.S.C. 103 Should Be Withdrawn

Applicant also argues on page 6 that Heilmann et al fail to disclose a film having no measurable yield point.

However, as stated on page 2 of the previous Action, a film having no measurable yield point is taught by Collette.

Applicant also argues, on page 6, that Collette is not concerned with a medical bag, and that Collette is directed to elastic films, and that there is no suggestion that elastic films are superior over other, and therefore there is no suggestion to use the Collette polymers in Heilmann.

However, as stated on page 2 of the previous Action, both Heilmann et al and Collette are directed to articles comprising multilayer films, therefore there is suggestion to utilize the Collette polymers in Heilmann et al

Applicant also argues on page 7 that Fujii et al has a specific has a specific elastic modulus and that it therefore would not be easy to fabricate a film having no yield.

However, Fujii et al is utilized only for the teaching that a modulus of 20 to 100 MPa is known in the art for a polypropylene film, for the purpose of making a film that is soft; furthermore, as stated above, a film having no yield is provided by Collette.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497.

The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Marc Patterson*  
Marc A. Patterson, PhD.  
Examiner  
Art Unit 1772

*Harold Pyon*  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

*5/24/05*